

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**AARON HIRSCH, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

**USHEALTH ADVISORS, LLC and
USHEALTH GROUP, INC.,**

Defendants.

Civil Action No. 4:18-cv-245-P

**PLAINTIFF’S MOTION TO ENFORCE COMPLIANCE WITH THE COURT’S
FEBRUARY 14, 2020 AND MARCH 12, 2020 DISCOVERY ORDERS**

Plaintiff Aaron Hirsch (“Plaintiff”) moves the Court, pursuant to Fed. R. Civ. P. 37(a), to enforce its discovery Orders, including the Orders entered on February 14, 2020, Dkt. 137 (“Motion to Compel Order”) and March 12, 2020, Dkt. 156 (“Objection Order”), to require Defendant USHealth Advisors, LLC (“USHA”) to search and produce the custodial email records of USHA agents and employees in its possession that are responsive to each of Plaintiff’s document requests and pursuant to the Court’s Motion to Compel Order and Objection Order.

As demonstrated in the accompanying Memorandum of Law and the supporting papers filed in the Appendix thereto, Plaintiff’s motion should be granted and Defendants should be ordered to search and produce the custodial email records of USHA agents and employees in their possession that are responsive to each of Plaintiff’s document requests, and to provide any additional relief as may be warranted.

Dated: August 3, 2020

Respectfully submitted,

/s/ Michael Dell'Angelo

Michael Dell'Angelo

Lane L. Vines

BERGER MONTAGUE PC

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Telephone: (215) 875-3000

mdellangelo@bm.net

lvines@bm.net

Max F. Maccoby

WASHINGTON GLOBAL LAW GROUP PLLC

1701 Pennsylvania Ave., NW, Suite 200

Washington, D.C. 20006

Telephone: (202) 248-5439

maccoby@washglobal-law.com

Jamshyd (Jim) M. Zadeh

Texas Bar No. 222239000

LAW OFFICES OF JIM ZADEH, P.C.

1555 Rio Grande Avenue

Fort Worth, TX 76102

Telephone: (817) 335-5100

jim@zadehfirm.com

Warren T. Burns, Texas Bar No. 24053119

BURNS CHAREST LLP

900 Jackson Street, Suite 500

Dallas, TX 75202

Telephone: (469) 904.4550

wburns@burnscharest.com

Attorneys for Plaintiff and the Proposed Class

CERTIFICATE OF CONFERENCE

Counsel Michael Dell'Angelo certifies that during meet and confer discussions on July 2, 2020 and July 7, 2020, regarding Defendants' response to Plaintiff's discovery requests and the Court's discovery orders dated February 14, 2020 and March 12, 2020, Plaintiff requested that Defendants collect and review for production documents and information responsive to Plaintiff's document requests. Minimally, Plaintiff requested that the collection would include the "@ushadvisors.com" email accounts used by the proposed custodians that were not captured by the custodians selected by Defendants. Plaintiff specified, minimally, the following additional custodians: George Priovolos, Priovolos Office, Jim White, Julio Cortes, Brianna Goff, and Kevin Ferrell, Daniel Ashfield, Matthew Dailey, Donald Dente, Mara Dorne, Jason Greif, Stephen Koncurat, Michael, Laughlin, Gary Miller, Andrew Montague, Taraina Phillips, James Sackos and Marion. Defendants did not respond to Plaintiff's request or produce the requested information. On August 2, 2020, Plaintiff emailed Defendants in a final effort to resolve the dispute. On August 3, 2020, Defendants emailed to advise that they would not conduct additional email searches and oppose the instant motion.

Dated: August 3, 2020

/s/ Michael Dell'Angelo
Michael Dell'Angelo

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2020, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered on the CM/ECF system for this matter.

/s/ Michael Dell'Angelo
Michael Dell'Angelo